

# Notice of Allowability

Application No.

08/983,394

Examiner

Christopher R. Buchanan

Applicant(s)

FALLS ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 4/16/07.
2. ☒ The allowed claim(s) is/are 72-91 and 93-133.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rick Toering on July 17, 2007.

Amend the claims listed below as follows:

72. (**Currently Amended**) A printed label and a display shelf of a business establishment, the combination comprising:

a display shelf having a first length and at least one area on which at least one product is to be placed, the area having a second length and a depth; and

a label, comprising:

i) product information printed thereon for identifying the at least one product for display on the shelf, and

ii) first and second space indicators for indicating a position, corresponding to a portion of the first length of the shelf, at which the at least one product is to be placed, the label being constructed and arranged to have a defined predetermined length that is coextensive with the second length ~~portion of the length of the area of the shelf on which the at least one product is to be placed, the first and second space indicators being printed on the label and defining the predetermined length, and the first space indicator indicating where the second length portion of the length of the area of the shelf begins and the second space indicator indicating where the second length portion of the length of the area of the shelf ends.~~

75. (**Currently Amended**) The combination according to claim 72, wherein the defined predetermined length substantially corresponds to the entire length of the shelf.

77. (**Currently Amended**) A printed label and a display shelf of a business establishment, the combination comprising:

a display shelf having a first length and at least one area on which at least one product is to be placed, the area having a second length and a depth; and

a label having a length substantially corresponding to the entire first length of the display shelf; the label further comprising:

- i) first product information printed on the label for identifying a first product;
- ii) second product information printed on the label for identifying a second product; and
- iii) first space indicators for indicating a beginning position and an end position, corresponding to a portion of the second length of the shelf, at which the first product is to be placed, and second space indicators for indicating a beginning position and an end position, corresponding to another a portion of the second length of the shelf, at which the second product is to be placed, wherein the first and second space indicators are printed on the label.

79. (**Currently Amended**) A method for creating labels for display shelves of a business establishment, comprising:

providing planogram information of products for display in one or more areas of a business establishment, wherein the planogram information includes information identifying products for display and identifying a corresponding horizontal dimension of shelf space required for displaying each product on a shelf;

providing information related to a predetermined number of shelves and the corresponding horizontal dimension of shelf space for the one or more areas for displaying the products identified by the planogram information;

apportioning the products identified by the planogram information to one or more of the predetermined number of shelves based on the corresponding horizontal dimension of shelf space required for displaying each product;

printing a label for one or more shelves of the predetermined number of shelves, wherein label information printed on each label identifies one or more products to be displayed on a respective shelf, the label being a defined predetermined length that is coextensive with the entire horizontal dimension of the area of the space allocated on the shelf for arranging a product thereon, the label including first and second space indicators being printed on the label and defining the predetermined length, the first space indicator indicating where the length of the area of the space allocated on the shelf for arranging the product begins, and the second space indicator indicating where the length of the area of the space allocated on the shelf for arranging the products ends.

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93. (***Currently Amended***) A method of stocking shelves for a business establishment comprising:

providing at least one shelf with a printed label comprising information for identifying at least one product for display on the at least one shelf, wherein the label includes first and second space indicators for the at least one product identified by the information for indicating a first length of the at least one shelf for arranging the at least one product thereon, the label being formed to be a defined predetermined length that is coextensive with the first length, the first and second space indicators being printed on the label and defining the first length, and the first space indicator

indicating where the first length begins and the second space indicator indicating where the first length ends; and

stocking the at least one shelf according to the information and the first and second space indicators.

94. (***Currently Amended***) A display shelf for a business establishment, comprising:
- a substantially horizontal support for displaying one or more products for sale by a business establishment;
  - an affixing area for affixing a printed label thereto; and
  - a printed label comprising:
    - information printed on the label for identifying at least one product for display on the shelf, and
    - the label including first and second space indicators for the at least one product identified by the information for indicating a first length of the support for arranging the at least one product thereon, the first and second space indicators being printed on the label and defining the first length, and the first space indicator indicating where the first length begins and the second space indicator indicating where the first length ends.

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99. (**Currently Amended**) A shelf edge label system for creating a shelf label for a business establishment, comprising:

a database comprising planogram data for an area of a business establishment, wherein the database includes spacemap data for a product display area of the business establishment; and

a label editor for creating and editing one or more labels for affixing to one or more display shelves using at least one of the planogram data and spacemap data; and

a printer for printing the one or more labels, wherein the one or more labels include printed information for one or more products, and wherein each label is constructed and arranged to be a defined predetermined length that is coextensive with an entire horizontal dimension of an area of space allocated on a shelf for arranging a corresponding product thereon, the label including first and second space indicators being printed on the label and defining the predetermined length, and the first space indicator indicating where the predetermined length begins, and the second space indicator indicating where the predetermined length ends.

117. (**Currently Amended**) A computer readable medium encoded with a data structure and a computer program, wherein the computer program uses the data structure for identifying and organizing products displayed by a business establishment, the data structure comprising:

a first field representing data related to an arrangement of one or more

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display shelves of a business establishment;

a second field having information representing a horizontal dimension of a display shelf length of a corresponding display shelf;

at least one third field having information related to at least one product for display on the corresponding display shelf permitting a printed label to be constructed and arranged to have a defined predetermined length that is coextensive with a length of an area of space allocated on the shelf for arranging the at least one product thereon, the label including first and second space indicators being printed on the label and defining the predetermined length, and the first space indicator indicating where the predetermined length begins, and the second space indicator indicating where the predetermined length ends; and

a fourth field representing a sequence number specifying the location of the at least one product along the display shelf.



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118. (**Currently Amended**) A method for printing labels for product display shelves comprising:

issuing a print request to a print formatter for printing one or more labels for one or more display shelves of a business establishment, wherein each print request comprises at least one of a machine readable code, a label template name, a label length and an end flag;

retrieving information to include on the label using the machine readable code;

establishing a layout of the information for including on the label using the named template;

establishing a length of the label substantially corresponding to a horizontal dimension of a display shelf allocated to a product for which the label is affixed; and

printing the one or more labels to a defined predetermined length that is coextensive with the entire horizontal dimension of the area of the space allocated on the shelf for arranging the product thereon, the label including first and second space indicators being printed on the label and defining the predetermined length,

and the first space indicator indicating where the predetermined length begins, and the second space indicator indicating where the predetermined length ends.

120. (**Currently Amended**) A method for reducing labor for a business establishment, comprising:

providing each shelf of a plurality of display shelves in a business establishment with a corresponding printed label having a length substantially corresponding to the length of a respective shelf, wherein the label comprises printed information for identifying at least one product for display on the shelf and first and second space indicators for the at least one product identified by the information for indicating at least one of a corresponding area of space allocated on the shelf for arranging the at least one product thereon and a position for the at least one product on the shelf, the printed label being formed to a defined predetermined length that is coextensive with the entire horizontal dimension of the area of the space allocated on the shelf for arranging the at least one product thereon, the first and second space indicators being printed on the label and defining the predetermined length, and the first space indicator indicating where the predetermined length begins, and the second space indicator indicating where the predetermined length ends; and

stocking the plurality of display shelves according to the corresponding shelf labels.

121. (**Currently Amended**) A method for allocating products to display shelves of a business establishment comprising:

providing planogram information of products for display in an area of a business establishment, wherein the planogram information includes product information identifying products for display in the business establishment; and identifying a corresponding horizontal dimension and location of shelf space

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available for displaying each of the products;

providing information related to a plurality of shelves of the business establishment, the information including the corresponding lengths of the plurality of shelves for displaying products;

allocating the products to the plurality of shelves; and

forming labels with printed product information thereon, each label being formed to a defined predetermined length that is coextensive with the entire horizontal dimension of an area of space allocated on a shelf for arranging a corresponding product thereon, the label including first and second space indicators being printed on the label and defining the predetermined length, and the first space indicator indicating where the predetermined length begins, and the second space indicator indicating where the predetermined length ends.

125. (**Currently Amended**) A method for locating a product for purchase in a business establishment using a computer system, comprising:

inputting a name of the product for purchase into the computer system;

identifying the location in the business establishment of the product;

generating a report listing the location of the product; and

locating the product by identifying printed labels attached to a shelf on which the product is located, the label being formed to a defined predetermined length that is coextensive with the entire horizontal dimension of an area of space allocated on the shelf for arranging the product thereon, the label including first and second space indicators being printed on the label and defining the predetermined length, and the first space indicator indicating where the predetermined length begins, and the second space indicator indicating where the predetermined length ends.

126. (**Currently Amended**) A method for auditing products of display shelves of a business establishment comprising:

providing a plurality of display shelves with a label, wherein the label includes a first machine readable code for identifying the label, the label being formed to a defined predetermined length that is coextensive with the entire horizontal dimension of space allocated on a shelf for arranging a respective product thereon, the label including first and second space indicators being printed on the label and defining the predetermined length, and the first space indicator indicating where the predetermined length begins, and the second space indicator indicating where the predetermined length ends;

providing a handheld scanner in communication with a database, wherein the database includes a first field containing the machine readable code for a label and a second field containing the location of that label within a business establishment;

scanning the first machine readable code of a first shelf label; and

displaying, on the scanner, the information contained in the second field.

127. (**Currently Amended**) A computer readable medium encoded with a data structure and a computer program, wherein the computer program uses the data structure for identifying and organizing products displayed by a business establishment, the data structure having a first field containing identification information for a label for corresponding product display shelf information of a business establishment and including information for determining the length of the label so that that label may be constructed and arranged to a defined predetermined

length that is coextensive with the entire horizontal dimension of an area of space allocated on a shelf for arranging the product thereon, the label including first and second space indicators being printed on the label and defining the predetermined length, and the first space indicator indicating where the predetermined length begins, and the second space indicator indicating where the predetermined length ends; and a second field associated with the first field containing an expiration date for the label.

132. (**Currently Amended**) A method for creating labels for display shelves of a business establishment, comprising:

providing planogram information of products for display in one or more areas of a business establishment, wherein the planogram information includes information identifying products for display and identifying a corresponding horizontal dimension and location of shelf space required for displaying the products;

providing information related to a predetermined number of shelves and the

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corresponding horizontal dimension of the shelf space for the one or more areas for displaying the products identified by the planogram information;

apportioning the products identified by the planogram information to one or more of the predetermined number of shelves based on the corresponding horizontal dimension of shelf space required for displaying each product;

printing a label for one or more shelves of the predetermined number of shelves, wherein label information printed on each label identifies one or more products to be displayed on a respective shelf, and the label being formed to be a defined predetermined length that is coextensive with the entire horizontal dimension of the area of the space allocated on the shelf for arranging a product thereon, the label including first and second space indicators being printed on the label and defining the predetermined length, and the first space indicator indicating where the predetermined length begins, and the second space indicator indicating where the predetermined length ends.

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133. (**Currently Amended**) A printed label and a display shelf of a business establishment, the combination comprising:

a display shelf having at least:

- i) a first area on which a first product is to be placed, the first area having a first length and a first depth; and
- ii) a second area on which a second product is to be placed, the second area having a second length and a second depth;

the label comprising:

- i) first product information printed thereon for identifying the first product, and second product information for identifying the second product;
- ii) indicators for indicating:
  - a) a first portion of a length of the label corresponding to the first length; and
  - b) a second portion of the length of the label corresponding to the second length;
- iii) the indicators including:
  - a) a first space indicator and a second space indicator being printed on the label for indicating the first portion, where the first space indicator indicates where the first portion of the first length begins and the second space indicator indicates where the first portion of the first length ends; and
  - b) a third indicator, for use with the second indicator for indicating the second portion, where the second indicator indicates where the second portion of the second length begins and the third indicator indicates where the second portion of the second length ends.

***Allowable Subject Matter***

2. Claims 72-91 and 93-133 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The prior art, Sekiguchi et al. (US 5,537,312), teaches using an electronic rack labeling system that includes information displayed on a label for identifying at least one product for display on a shelf and one or more space indicators for the product that indicates an area of the shelf for arranging the product, wherein the label is a predetermined length that is coextensive with the horizontal dimension of the shelf area for arranging the product.

The prior art lacks the teaching of using a printed label and display shelf combination comprising a display shelf having at least one display area on which at least one product is to be placed and a label including product information printed thereon and first and second space indicators for indicating a position at which the at least one product is to be placed, the label having a defined predetermined length that is coextensive with the length of the shelf on which the at least one product is to be placed, the first and second space indicators being printed on the label and defining the predetermined length, and the first space indicator indicating where the display area on the shelf begins and the second space indicator indicating where the display area on the shelf ends.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.



The foreign prior art, Livesley (WO 9205415), teaches applying a label carrying a temperature sensitive substrate to a package to act as an indicator for the time and temperature history of the package.

The foreign prior art lacks the teaching of using a printed label and display shelf combination comprising a display shelf having at least one display area on which at least one product is to be placed and a label including product information printed thereon and first and second space indicators for indicating a position at which the at least one product is to be placed, the label having a defined predetermined length that is coextensive with the length of the shelf on which the at least one product is to be placed, the first and second space indicators being printed on the label and defining the predetermined length, and the first space indicator indicating where the display area on the shelf begins and the second space indicator indicating where the display area on the shelf ends.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.

The non-patent literature, Reiter (*Dairy Foods* article), teaches using a freshness indicator label printed on dairy product containers to provide consumers with information regarding the freshness of various dairy product items sold in stores.

The non-patent literature lacks the teaching of using a printed label and display shelf combination comprising a display shelf having at least one display area on which

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at least one product is to be placed and a label including product information printed thereon and first and second space indicators for indicating a position at which the at least one product is to be placed, the label having a defined predetermined length that is coextensive with the length of the shelf on which the at least one product is to be placed, the first and second space indicators being printed on the label and defining the predetermined length, and the first space indicator indicating where the display area on the shelf begins and the second space indicator indicating where the display area on the shelf ends.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.

### ***Conclusion***

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

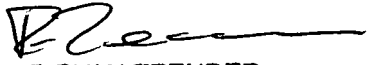
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Buchanan whose telephone number is 571-272-8134. The examiner can normally be reached on Mon.-Fri. 9:00am - 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

 7/20/07  
F. RYAN ZEENDER  
SUPERVISORY PATENT EXAMINER